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13 Attorneys for Plaintiff  
MARCELLUS GREEN

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16

17 MARCELLUS GREEN, an individual,

18 Plaintiff,

19 v.

20 DEPUTY R. BETZ, individually and in his  
21 capacity as a Deputy Sheriff for the County of  
Alameda; DOES 1-10, inclusive; individually  
22 and in their capacities as Deputy Sheriffs for the  
County of Alameda,

23 Defendants.  
24

Case No. 3:13-cv-01671-MMC

**STIPULATED REQUEST TO CONTINUE  
MEDIATION COMPLIANCE DATE;  
[PROPOSED] ORDER**

**Hon. Maxine M. Chesney**

1 Defendant DEPUTY R. BETZ, deputy sheriff for the County of Alameda, and plaintiff  
2 MARCELLUS GREEN, hereby stipulate as follows:

3 1. The initial Complaint against DEPUTY R. BETZ was filed in this matter on April 12,  
4 2013. The plaintiff's Second Amended Complaint was filed on October 11, 2013.

5 2. The parties appeared for the initial case management conference on September 27, 2013.

6 3. Pursuant to the Pretrial Preparation Order dated September 27, 2013, the following  
7 deadlines were set:

8 (a) Non-Expert Discovery to be completed by September 19, 2014;

9 (b) Expert Discovery to be completed by December 12, 2014;

10 (c) Trial is scheduled for April 13, 2015.

11 4. By Pretrial Preparation Order dated September 27, 2013, the Court also referred the matter  
12 to mediation. Mediation was to be conducted within six months from September 27, 2013. The  
13 mediation compliance date in this matter is March 27, 2014.

14 5. On November 5, 2013, the parties were assigned by the Court to Mediator Richard Wiebe.

15 6. Since December 2013, the parties have been attempting to find a mutually agreeable time  
16 to attend mediation with Mr. Wiebe. Plaintiff's counsel has been unable to provide any available dates  
17 for mediation to date to either defendant's counsel or Mr. Wiebe.

18 7. Defendant has conducted written discovery. Since late December/early January 2014,  
19 defendant has been attempting to schedule the essential depositions of the plaintiff and his wife so that  
20 defendant would be adequately prepared to complete mediation by March 27, 2014 as ordered by this  
21 Court. No dates were provided despite numerous requests for same.

22 8. On February 6, 2014, plaintiff's counsel informed defendant's counsel that plaintiff and  
23 his wife cannot be made available for deposition until March 11, 2014.

24 9. An extension of the mediation compliance date is therefore necessary for the parties to  
25 complete required discovery, including necessary depositions, before mediation. Absent a continuance,  
26 defendant will be unable to conduct critical discovery and meaningfully participate in mediation.

27 10. The parties therefore stipulate to extend the time for the parties to comply with mediation  
28 through and including June 13, 2014.

11. This extension will not alter any event or deadline already fixed by Court order.

Dated: February 18, 2014

LAW OFFICES OF JOHN L. BURRIS

By: /s/ Dewitt Lacy

John L. Burris

DeWitt Lacy

Attorneys for Plaintiff

MARCELLUS GREEN

Dated: February 18, 2014

BERTRAND, FOX & ELLIOT

By: /s/ Michael C. Wenzel

Michael C. Wenzel

Attorneys for Defendants

DEPUTY R. BETZ

**[PROPOSED] ORDER**

Upon the foregoing Stipulation, and for good cause shown, IT IS ORDERED that the mediation compliance deadline shall be extended to June 13, 2014.

Dated: February 19, 2014



Maxine M. Chesney

UNITED STATES SENIOR DISTRICT JUDGE